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REMARKS

Claims 1-17 are now pending in this application. Claims 1 and 14 have been amended in this response. Claims 18-24 have been cancelled. Applicants respectfully submit no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

The Examiner set forth objections regarding minor informalities related to claims 1 and 14. As set forth above, Applicants have amended claims 1 and 14 to address the Examiner's comments. The Applicants' amendments now obviate these objections and thus, withdrawal of those objections is respectfully requested.

Claims 1-11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,857,190 to Brown (Brown) in view of U.S. Patent No. 6,067,107 to Travaille et al. (Travaille), U.S. Publication No. US 2003/0105845 A1 to Leermakers (Leermakers) and U.S. Patent No. 5,889,954 to Gessel (Gessel).

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown Travaille and Leermakers as applied to claim 11 above, and further in view of U.S. Patent No. 6,052,554 to Hendricks et al. (Hendricks).

Claims 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown Travaille, Leermakers and U.S. Patent No. 6,801,936 to Diwan.

103 Rejection Based Upon Brown, Travaille, Leermakers and Gessel

Claims 1-11 and 13 stand rejected based upon the combination of Brown, Travaille, Leermakers and Gessel. The Office Action states in regard to claim 1 that Brown discloses a

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number of elements of claim 1, specifically, application servers which include application programs that are transmitted via broadcasting centers through communication satellites where the communication satellites then transmit signals to satellite dishes for reception by integrated receiver decoders, and where the integrated receiver decoders include callback functionality to interactive servers that log stored data within the interactive data repositories. The Examiner also asserts that Brown discloses at least one graphic user interface, call back functionality in the IRD, a data log of user transactions and navigation activity, interactive servers, interactive data or repositories and routers in each server. The Office Action further states that Brown fails to disclose flash memory, modems in the IRD's as specific parameters regarding the interactive server and router applications. Also, the Office Action cites to Travaille specifically for the use of memory in a broadcast receiver that stores viewer responses in a flash memory. The Office Action cites to Leermakers for disclosure of broadcast satellite system that uses a modem to transmit user data for providing an upstream path of client/user data. The Examiner cites to Gessel for disclosure for a network manager of a communication system where data encapsulated in TCP/IP protocol. Finally, the Examiner takes official notice of parameters such as 333 MHz or greater, 250 MB RAM or greater and a UNIX operating system.

The Examiner's road map continues on and states that it would have been obvious to modify the Brown system to include the use of a flash memory as taught by Travaille. The Examiner goes on to state that it would have further been obvious to modify the Brown and Travaille systems to include modems in an IRD in electronic communication with communication servers as taught by Leermakers and, furthermore, it would have been obvious to modify Brown,

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Travaille and Leermakers to include encapsulating data into an appropriate protocol for transmission as taught by Gessel. In regard to the specific parameters associated with CPU and RAM, the Examiner goes on to state that it would have been obvious to combine Brown, Travaille, Leermakers and Gessel along with the parameters associated with the CPU, RAM and operating systems in order to achieve the subject matter of claim 1.

Brown relates to an event logging system for an interactive entertainment network system capable of logging a large number of and currently receiver the events generated at subscriber homes. Based upon the disclosure of Brown, individual events that are logged for recording include channel up/down, button presses, service requests, warnings and errors of possible events that might be detected at the user interface units.

Travaille relates to an interactive broadcast system that uses methods to manage the response capacity of the interactive system. The system of Travaille includes a broadcast server that makes periodic readjustment of priority values for various response types and in broadcast receivers that receive priority value assignments from the broadcast server in order to selectively determine for each interactive application whether or not to execute and/or capture responses.

Leermakers relates to a communication system consisting of a server system that stores software applications, a broadcast system that broadcasts the software applications and a multiplicity of portable clients that each includes a receiver having a tuner that is selectively tunable to receive one or the software applications broadcast by the broadcast system.

Gessel relates to a network manager for configuring and controlling an assimilated telecommunication network having a plurality of nodes which communicate in a plurality of

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communication protocols.

Initially, the Examiner has taken an official notice of various parameters associated with the CPU, RAM and operating system as recited in claim 1. Apparently, the Examiner is maintaining conclusory and unsupported assertions in regard to the parameters recited in claim 1 and, therefore, should provide an affidavit and/or published information concerning the assertions related to the alleged official notice. Assertions of technical facts must always be supported by citation to some reference work recognized as standard in the pertinent art in order for an opportunity to challenge the correctness of the assertion or the notoriety or repute of other cited references. Allegations concerning a specific knowledge of the prior art which might be peculiar to a particular art should also be supported. See, In re Ahlert, 165 U.S.P.Q. 418, 420-421 (CCPA 1970). It is improper for the Examiner to make conclusory and unsupported assertions in regard to the parameters as recited in claim 1. Therefore, this rejection under this standard is improper and Applicants respectfully request withdrawal thereof.

As stated in the prior response, claim 1 includes a recitation of interactive servers that encapsulate data to an appropriate protocol where each interactive server includes a 333 MHz CPU or greater and 256 RAM or greater. Also claim 1 now includes a router within each interactive server where said router includes a routing application that is written in UNIX, C or Open TV. Accordingly, since the combination of Brown, Travaille, Leermakers and Gessel fails to teach or suggest each and every limitation as now set forth in the amended claim 1, the combination of Brown, Travaille, Leermakers and Gessel cannot support this obviousness rejection as set forth in the Office Action. Dependent claims 3-7, 9-11 and 13 all depend from independent claim 1 and

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also stand allowable over this combination for at least the same reasons as set forth above in regards to amended claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 12 stands rejected based upon the combination Brown, Travaille and Leermakers as applied to claim 11 in further view of Hendricks. Claim 12 depends from amended claim 1 and, accordingly, the arguments set forth above in regards to claim 1 directed toward the combination of Brown, Travaille and Leermakers applies equally to dependent claim 12. Hendricks relates to a digital television program delivery system that provides subscribers with menu driven assets to an expanded television program package. The Office Action cites to Hendricks for disclosure of a cable television distribution system wherein satellite is used for communication between an operation center and a cable head in. Hendricks, however, fails to cure the deficiencies in regards to Brown, Travaille and Leermakers as discussed in regards to amended claim 1. Applicants respectfully submit that the combination of Brown, Travaille, Leermakers and Hendricks does not render claim 12 as obvious. Withdrawal of this rejection is, therefore, respectfully requested.

Claims 13-17 stand rejected based upon the combination of Brown, Travaille, Leermakers and Diwan. The Office Action states that Brown discloses most of the elements of claim 14 except for the use of flash memory and communication servers for receiving call back wherein user transactions include weather requests. The Examiner cites to Travaille for the disclosure of an interactive TV system where the memory in the broadcast receiver is used to store viewer responses in a flash memory. Continuing, the Examiner cites to Leermakers for disclosure broadcast satellite system where a client will use a modem to transmit user data. Furthermore, the Examiner cites to Diwan for disclosure of a distribution system where user will make a

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request for a weather report and then the requested weather report is transmitted to the user in response to the request. In conclusion, the Examiner states that it would have been obvious to modify the combination of Brown, Travaille and Leermakers to include the teachings of Diwan in order to achieve the subject matter of claim 14.

This rejection obviously omits a step that is recited in claim 14. The Office Action cites to Diwan specifically for the transmission of a weather report based upon a weather report request. Apparently, Diwan's fails to disclose the recited step of parsing user navigation and transaction data wherein the transactions include gaming activity, weather requests, advertising viewed and banking transactions from the data log as recited in claim 14. The Diwan reference relates to a system that provides information to multiple subscribers where the system receives requests for different types of information from their subscribers as well as rules for delivering the request and information. In contrast, claim 14 recites a parsing user navigation and transaction data wherein transactions are involved in the step of parsing user navigation and transaction data. Specifically, gaming activity, advertising and bank transactions and other transactions are contemplated in regard to this step of claim 14. In contrast, Diwan transfers information using an information protocol where information is transmitted to a subscriber based upon a subscriber's request. What Diwan fails to teach or disclose is parsing user navigation and transaction data where transactions are facilitated as recited in claim 14. Furthermore, in the final step of claim 14, the method recites storing user navigation and transaction data as opposed to Diwan which discloses the transfer of information to subscribers.

Based on the foregoing, the combination of Brown, Travaille, Leermakers and Diwan

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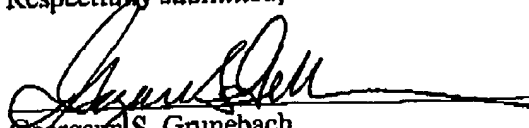
fails to teach or suggest each and every element of amended claim 14, therefore, the combination cannot be used to support this obviousness rejection as set forth in the Office Action. Furthermore, dependent claims 15 through 17 are not obvious in view of the combination of Brown, Travaille, Leermakers and Diwan for at least the same reasons as set forth in regard to claim 14. Accordingly, Applicant requests withdrawal of the rejection of claims 14 through 17 based upon the combination of Brown, Travaille, Leermakers and Diwan.

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CONCLUSION

Based upon the foregoing amendment and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Prompt allowance of all pending claims is therefore requested.

Respectfully submitted,


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